

November 4, 2008



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14768

EXPIRATION DATE: October 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Tobin & Sons Moving and Storage, Inc.
Peabody, MA
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation of certain materials (infectious substances and biological substances) in alternative packaging (freezers) transported in motor vehicles owned and operated by Tobin & Sons Moving and Storage, Inc. (Tobin). This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.196(a) and (b), and 173.199 in that alternative packaging is authorized.

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5. BASIS: This special permit is based on the application of Tobin, dated August 7, 2008, and additional information dated October 3, 2008, October 4, 2008, October 8, 2008 and October 30, 2008, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identi- fication Number	Packing Group
Infectious substances, affecting animals only*	6.2	UN2900	N/A
Infectious substances, affecting humans*	6.2	UN2814	N/A
Biological substance, Category B*	6.2	UN3373	N/A

*Limited to Risk Groups 2 and 3, as defined in 49 CFR § 173.134(a)(6), revised as of October 1, 2005. Risk Group 4 substances are not authorized for transport under this special permit.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Materials, described in Paragraph 6, that are transported in freezers must conform to the following provisions:

(1) Materials must be packed in watertight primary receptacles (5 mL capacity vials). Vials must be secured in individual cells of a box. Not more than 81 vials must be packed inside a box (9 x 9 rows). Not more than 16 packed and closed boxes must be packed inside a plastic bag containing sufficient absorbent material to surround the boxes and absorb the entire contents of the vials in case of any damaged, broken and/or leaking vials. The packed plastic bag must be heat sealed. Not more than 30 boxes contained in heat-sealed plastic bags must be packed in a portable freezer. The freezer is the outer packaging. The total capacity of a freezer must not exceed 28 cubic feet.

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(2) Void spaces within a freezer must be filled with plastic bubble wrap or packing paper to prevent movement of the inner packaging during transport.

(3) Each freezer door must be closed and secured to prevent opening during transport.

(4) Materials in each freezer must be kept frozen at all times within the operating temperature range of -20°C to -85°C via the transport vehicle's redundant generators to run electricity to operate the freezer system, as well as the onboard refrigerator unit.

(5) A back-up freezer system and liquid nitrogen (or dry ice), sufficient to keep the materials within the temperature range of -20°C to -85°C for at least twice the estimated travel time, must be carried on the transport vehicle.

b. OPERATIONAL CONTROLS -

(1) This special permit authorizes only the transport of packages (freezers) containing infectious substances and biological substances throughout the United States in a timely manner. Each trip must be preplanned.

(2) Packages transported under this special permit may be prepared by Tobin employees.

(3) Packages must be loaded, transported in an exclusive-use refrigerated transport vehicle equipped with redundant generators, and unloaded by Tobin employees, as outlined in the application for special permit on file with the OHMSPA.

(4) Each freezer must be sealed, locked and secured within the vehicle to prevent movement.

(5) Not more than twenty (20) freezers may be transported in the transport vehicle.

(6) An itemized list of the contents of each freezer must be securely attached to the outside of the each freezer.

(7) Emergency refrigeration and spill response procedures must be in place and operational to address loss of refrigeration, delay in transport, or release of infectious substances.

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8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at each facility where the package is offered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
 - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: GEC/dl